

**HOUSE ADMINISTRATION COMMITTEE
U.S. HOUSE OF REPRESENTATIVES**

HEARING ON ELECTORAL REFORM

MAY 10, 2001

**TESTIMONY OF CONNY B. McCORMACK, REGISTAR-RECORDER/COUNTY
CLERK OF LOS ANGELES COUNTY, CALIFORNIA**

OVERVIEW

I appreciate the opportunity to appear before you today to offer testimony on the very important issue of Electoral Reform as it pertains to the administration of elections in this country. My name is Conny McCormack and I serve as Registrar-Recorder/County Clerk of Los Angeles County, California which is the largest electoral jurisdiction in the U.S. with 4.1 million registered voters and 5,000 voting precincts. This year marks my 20th year as an Elections Administrator – first in Dallas County, Texas, then in San Diego County, California and now, for the past five years, in Los Angeles County, California.

For the November 7, 2000 General Election, a record-high 2,769,927 voters cast ballots in Los Angeles County. This was more ballots than were cast statewide in 41 of the 50 states. The logistics of preparing for a major election in Los Angeles County is very challenging – indeed, it is akin to a major military deployment.

For last year's Presidential Election, tasks included assembling and delivering voting supplies and equipment to 4,963 precincts, recruiting and training 25,131 election day poll workers, preparing 621,422 absentee/mail ballot packets (up to 35,000 daily) and, upon receipt, signature verifying, opening and sorting the 521,180 voted absentee ballots that were returned. Additionally, writing and testing vote tabulating software is always a crucial component to assure accurate compilation of all the votes, and to combine the absentee votes with the results of the 2.2 million ballots that were cast at the voting locations.

For the first time since Los Angeles County converted to punch card voting 33 years ago, not all ballots were cast on Votomatic punch cards. Our County instituted a state-of-the-art touch screen voting system pilot project in conjunction with the November 2000 election. As a result, 21,963 voters cast ballots on this modern system during the "early" voting period in the two weeks prior to election day. Use of this touch screen voting equipment allowed voters to choose presentation of their ballot in any one of the seven languages required by provisions of the U.S. Voting Rights Act and/or local ordinance. This greatly assisted thousands of voters, for whom English is a second language, in making their voting selections especially in better understanding the wording of complex ballot propositions.

Additionally, the touch screen voting system used in L.A. County allowed blind voters to cast their ballots privately and independently without assistance. This is possible due to a feature of the touch screen system that includes an audio headset and raised keypad to make voting choices. By forging a partnership between my office and organizations representing the blind and the visually impaired, the L.A. Braille Institute and Center for the Partially Sighted mailed our touch screen voting brochure to 8,000 persons on their mailing lists to advertise the availability of this new voting method. As a result, hundreds of blind voters, many accompanied only by seeing eye dogs, came to one of the nine touch screen voting locations set up throughout the County to vote privately, without assistance, for the first time in their lives.

These special features, unavailable with punch card voting, are especially desirable to serve the diverse population of Los Angeles County. A complete description and assessment of the success of the touch screen voting project is included in an attached report¹.

During my 20 years in this field of work, I have been responsible for the conduct of more than 1,000 elections and presided over a dozen recounts, including one congressional recount that was followed by an electoral contest in court (in the 51st Congressional District in San Diego in 1990). To assure strict impartiality, I have always maintained my voter registration as a non-partisan voter. It is in that vein that I offer my observations and recommendations for improvement to the process of electoral administration that is the cornerstone of our democracy.

OBSERVATIONS/RECOMMENDATIONS:

Observation I: The conduct of elections, including those involving candidates for federal office, is under the authority of local government. Counties, and in some cases cities, are primarily responsible for administering elections, with a varying amount of administrative involvement at the state level. While this authority level is appropriate under the Constitutional separation of powers, the concomitant burden of financing the costs associated with election administration in this country falls squarely on the shoulders of local government – the level least able to provide the funding. The cost of administering the November 2000 election in Los Angeles County was \$20.4 million. Those cities, school districts and special districts within Los Angeles County with candidates or propositions listed on the November 2000 ballot were assessed a proportionate share of the costs of labor and supplies. However, no federal funding has ever been provided, even when the offices of President, Vice President, U.S. Senator and U.S. Representative are included on the ballot.

While my County Board of Supervisors unanimously supports the conversion of our 33 year-old punch card voting system to a modern, touch screen voting system, the estimated cost to do so countywide is \$100 million to equip our 5,000 voting precincts. Even my recent request for \$3 million to fund a modest expansion of the touch screen voting pilot project for use during the 2002 elections is in jeopardy as our County grapples with a deficit of \$184 million in the County's Health Department.

Similarly, our State government is in financial turmoil due to the ongoing electricity crisis in California that, for the past several months, has been consuming an unanticipated, unbudgeted \$54 million per day for spot market purchases of electricity. This crisis has relegated AB 56, the State Assembly proposal to allocate \$300 million in matching grants to counties for upgrades of election systems and technology, to obscurity at best and oblivion at worst.

¹ See attached January 17, 2001 report to the Board of Supervisors from Conny McCormack entitled "Voting System Comparisons/Evaluation of Touch Screen Pilot Project/Recommendations for the Future."

Recommendation: While the operational authority to conduct elections should remain at the local government level, counties conducting elections need federal assistance in the form of grants. Otherwise, funding required to improve the conduct of elections is destined to remain frustratingly illusive, forever number eleven on local governments' top ten list of financial priorities. An initial infusion of federal funding is clearly needed to upgrade technology, but the reality is that federal funding needs to be ongoing to sustain and maintain improvements.

One means toward sustainable funding would be a 50% reduction in postal rates for first class delivery, in effect an "elections class" of mail. The various nationwide associations of elections administrators have been advocating such a postal subsidy for several years without success to date. Another possible source of continuing federal funding is the idea of a voluntary "check off box" on IRS tax returns. While I recognize that an increase in the federal role in the arena of funding necessitates some level of oversight regarding grant administration and accountability for expenditures, in order to expedite the process and achieve results, the process should not be cumbersome.

Observation II: A number of **myths** have arisen in the aftermath of the November 2000 election that need to be dispelled in order for the American public to understand the process of election administration. The top five myths are fully presented and explained in an attachment to this testimony² and are summarized as follows: 1) **all** eligible ballots are counted on election night; 2) antiquated voting equipment is the **only** problem; 3) the U.S. should adopt one **uniform** vote counting system; 4) it is within the **sole** authority of election administrators to ensure proper conduct of elections; and 5) between 2-7% of the votes are "**discarded**" by election equipment. These myths are inaccurate and misleading and have led to some erroneous conclusions about the integrity of the vote tabulation process.

Recommendation: State and local governments need to retain the flexibility of choice among various types of vote counting equipment. **One size does not fit all.** Diversity of electoral equipment and multiple vendors strengthens the electoral system and fosters innovation.

CONCLUSION: I understand that my testimony is limited to five minutes. Although there is much more I would like to say in my prepared remarks regarding the complexities of conducting elections, I look forward to responding to your questions. I very much appreciate your conducting this hearing to identify the most appropriate ways we can work together to facilitate the process of improving election administration in the United States. Thank you.

² See attached article entitled "On the Inside Looking Out: An Election Administrator's Perspective" by Conny McCormack published in the May 2001 edition of IFES TODAY, the quarterly magazine of the International Foundation for Electoral Systems (IFES).

ON THE INSIDE LOOKING OUT: An Election Administrator's Perspective
(printed in magazine, IFES TODAY, May 2001 edition)

By Conny B. McCormack

Fallout from the November 2000 Election has resulted in misleading information about how elections are conducted and evoked simplistic ideas for solutions. This article aims to dispel some of the most common electoral myths that have arisen in the aftermath of the closest U.S. Presidential Election in over a century.

MYTH #1: All ballots are counted on election night.

REALITY: in the weeks following the November 7, 2000 Election, six million additional votes were counted for presidential candidates prior to certification of official results by the 50 states.

Election administrators must balance two goals that are fundamentally in conflict: the public's desire, fed by the media, for instantaneous **and** complete results on election night. In actuality, speed and accuracy are attained, but at different stages of the process. Speed is achieved election night with unofficial election results. However, accuracy must await certification of complete, official results. Although timelines differ from state to state, certification occurs within several days to several weeks following the election in order to tabulate additional eligible ballots.

The volume of ballots remaining to be counted after election night has increased tremendously in many states primarily due to easing restrictions on who may cast a ballot by mail. Verification processes differ from state to state, but signature checking is typically required for each absentee/mail ballot prior to opening, sorting and tabulating. In jurisdictions with large volumes of mail ballots, to finish these processes requires several days or weeks after election night. Additionally, some states have adopted extensive provisional voting procedures to segregate ballots cast by voters whose eligibility to vote cannot be determined at the polling locations and, therefore, require post-election research and resolution at the elections office. Also, many states have laws mandating extensive vote auditing procedures prior to certification. These include a variety of automatic recount procedures, and other double checks such as comparison of the number of ballots cast to the number of voters who signed-in at every precinct.

Rather than decry the delay, the public, including candidates and the media, need to recognize that these important **post-election** procedures enhance the integrity of the ballot counting process.

MYTH #2: The pervasive use of antiquated voting equipment is the problem.

REALITY: Although technology upgrades are definitely needed, election administrators know that electoral problems are multi-faceted and equipment is only one component.

Indeed, all vote counting equipment works perfectly in a laboratory setting. To offer viable solutions, reform proposals must address problems and errors associated with 1)

People (voters, poll workers, election administrators and staff, vendor personnel, candidates, and the media); 2) *Procedures* (vague and conflicting laws and inconsistent policies); and 3) *Technology* (outdated computer systems, voting equipment and tabulation systems).

MYTH #3: The United States should adopt one uniform vote counting system.

REALITY: One size does not fit all.

Even within one state, California for example, it makes no sense to assume an appropriate system for Alpine County with 771 registered voters would be the same as the technology needed for Los Angeles County operating under legal requirements to produce ballots in seven languages for 4,102,182 registered voters. Diversity of electoral equipment and multiple vendors strengthens the electoral system and fosters innovation. A single source of tabulation equipment and software could even be a target for manipulation.

MYTH #4: It is within the sole authority of election administrators to ensure proper conduct of elections.

REALITY: Multiple agency involvement is a major factor outside of the control of election administrators and results in compounding the instances of errors in elections. This problem is especially acute with regard to the role of states' Motor Vehicle Departments in voter registration and the U.S. Postal Service in absentee ballot delivery. Election administrators are frustrated by bearing responsibility for all electoral errors without having the authority to manage key components of the process.

#5 MYTH: Between 2-7% of the votes are "discarded" by election equipment.

REALITY: Overvotes and undervotes are completely distinct ballot characteristics.

An overvote occurs when more votes are cast in a contest than is allowable. Overvotes are due to voter confusion about the voting instructions. An undervote occurs when no vote is recorded for a contest. When examining undervoted ballots, the vast majority are clearly the result of voters intentionally skipping that contest. Only infrequently does an undervote occur due to a voter incompletely marking or punching a partial hole on a ballot. Therefore, aggregating these categories and interpreting ballots containing overvotes and undervotes as "discarded" ballots is inappropriate and misleading.

In conclusion, as the U.S. Congress and State Legislatures grapple with numerous proposals for electoral reform, solutions need to be crafted that address the complexity of problems election administrators confront in the search for the illusive goal of conducting "a perfect election."

Conny B. McCormack has held the position of Registrar-Recorder/County Clerk for Los Angeles County, California for the past five years. As Registrar, she is responsible for administering elections for the largest County in the U.S. with 4.1 million registered voters, 5,000 voting precincts and 88 incorporated cities. Previously she was the Elections Administrator for Dallas, Texas and San Diego, California. In 1995 she spent a year working as an Elections Specialist for IFES in Moscow, Russia.